IN RE: PETITION FOR VARIANCE

S/S Joppa Road, 55' E of the

c/l of Fuller Avenue (3201 E. Joppa Road) 11th Election District 6th Councilmanic District

Gerald C. Ruter Petitioner \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 95-120-A

\*

\* \* \* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3201 East Joppa Road, located in the Parkville area of eastern Baltimore County. The Petitioner seeks relief from Section 413.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced, freestanding sign of 10.0 sq.ft. in lieu of the maximum permitted 1.0 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 3.

Appearing at the hearing in support of the Petition was Gerald Ruter, property owner. Appearing in opposition to the request were nearby residents, Teri L. Haaberg and Karl M. Majewski.

Testimony and evidence offered revealed that the subject property consists of 0.18 acres zoned D.R. 5.5 and is improved with a single family which is being used by the Petitioner for his law practice. The Petitioner previously appeared before this Deputy Zoning Commissioner in prior Case No. 94-344-XA in which he was granted a special exception and variance to operate his law practice within the subject dwelling on April 27, 1994. The Petitioner now comes before me seeking a variance for a proposed identification sign, a photograph of which was submitted into evidence as Petitioner's Exhibit 1. Testimony revealed that the subject sign was

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previously used to identify the Petitioner's former office at 604 Joppa Road and that the Petitioner now proposes to relocate this sign to the subject property. Further testimony indicated that the Petitioner does not intend to illuminate the proposed sign in any manner. In support of his request, the Petitioner submitted into evidence as Petitioner's Exhibits 2A through 2C, three letters from nearby property owners, including his immediate neighbor, all of whom have no objections to the proposed sign.

Appearing and testifying in opposition to the Petitioner's request were Teri Haaberg and Karl Majewski, who reside at 3142-A East Joppa Road. The Protestants are opposed to the size of the subject sign and believe that strict adherence to the zoning regulations should be required. They believe that the proposed sign will have an adverse impact on traffic along Joppa Road, which is heavily travelled. They further testified as to the number of accidents that have occurred on Joppa Road and a problem at its intersection with Fuller Road, which has a steep grade.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. There were no adverse comments submitted by any Baltimore County reviewing agency and the Petitioner's immediate neighbors have offered their support. In the opinion of this Deputy Zoning Commissioner, a denial of the variance will result in practical difficulty and unreasonable hardship for the Petitioner. In addition, the relief requested will not cause any injury to the health, safety or general welfare of the surrounding locale and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2/3/ day of November, 1994 that the Petition for Variance seeking relief from Section 413.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced, freestanding sign of 10.0 sq.ft. in lieu of the maximum permitted 1.0 sq.ft., in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

November 21, 1994

Gerald C. Ruter, Esquire 604 E. Joppa Road Baltimore, Maryland 21286

RE: PETITION FOR VARIANCE

S/S Joppa Road, 55' E of the c/l of Fuller Avenue

(3201 E. Joppa Road)

11th Election District - 6th Councilmanic District

Gerald C. Ruter - Petitioner

Case No. 95-120-A

Dear Mr. Ruter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Ms. Teri Haaberg and Mr. Karl M. Majewski 3142-A E. Joppa Road, Baltimore, Md. 2123

People's Counsel; File

MICROFILMED



# ition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

3201 E. Joppa Road, Baltimore, MD

which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

BCZR 413.1.A TO ALLOW A DOUBLE FACED FREE STANDING EIGHN
OF 10.0 S.F. IN LIEU OF THE PER'D. 1.0 S.F. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or AMEND APPROVED SPECIAL EXCEPTION CASE NO 94-344-XA INCLUPED FREE STANPING SIGN, SEE ATTACHED SIZE RAN Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	Orante d B	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
	Contract Purchaser/Lessee:	Legal Owner(s)
	(Type or Print Name)	Gerald C. Ruter, Esq.
	Signature	Signature C. Reuter
	Address	(Type or Print Name)
	City State Zipcode Attorney for Petitioner.	Signature
	Gerald C. Ruter, Esq.	3201 E. Joppa Road 321-9500
75 1	Merald C. Ruter	Address Phone No
	604 E. Joppa Road	Baltimore, MD 21286
=	/Signetture	City State Zipcode Name, Address and phone number of representative to be contacted.
1	Baltimore, MD 21286 321-9500	Same as above
$i \sim 1$	2	Name
3	State Zipcode	Address Phone No.
7	J. See Admin	OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING
	Apper	unavailable for Hearing
150	Printed with Soybean Ink	the following dates Next Two Months
g C	on Recycled Paper	ALLOTHER
D TEST	B .	REVIEWED BY: F.T DATE 9-29-94
	MICROFILMED	TEM# 121

75-120-A

#3201 JOPPA RD., BALTO, MD. 21286

### SIGN LOCATION DESCRIPTION

Beginning at a point on the south side of Joppa Road on which the property fronts, which is 70 feet of right-of-way wide and to the east corner of intersecting Fuller Avenue, an improved intersecting street, which is 40 feet of right-of-way wide. Thence the proposed sign location to follow courses and distances:

Starting on the North-West corner, marked "P.O.B, a distance 11'-0" to center point of sign, being 8" in thickness, 4" to each side. Setback of sign in the Southern direction from Joppa Road is 5'-0" to center point of sign, being 2'-6" wide, 1'-8" to each side. (1.675 - 5.5)

ITEM# 121

# ZONING DEPARTMENT OF BALTIMORE COUNTY Town "

Posted for: Variance	Date of Posting 19/15/94
Posted for: Varience	
Petitioner: Garald C. Rator	**************************************
Location of property: 3201 Jappa Rd , 5/5	***************************************
Location of Signe: Freing roadway, Dr.	reporty being zon. d
Remarks:	* * * * * * * * * * * * * * * * * * *
Posted by Malley Signature	Date of return: 19/21/94/
Number of Signs:	415.163 M. H. L. T.



#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesaneake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows;

Case: #95-120-A (Item 121) 3210 Joppa Road S/S Joppa Road, 65' +/from c/l Fuller Avenue 11th Election District 6th Councilmanic Petitioner(s): Gerald C. Ruter Hearing: Wednesday. November 2, 1994 at 11:00 a.m. in Rm. 106, County Office Building.

Variance to allow a doublefaced, free-standing sign of 10 square feet in lieu of the required 1 square foot.

> LAWRENCE E. SCHMIDT Zoning Commissioner for **Baltimore County**

NOTES: (1) Hearings are Handlcapped Accessible; for special accommodations Please Call 887-3353.

(2)For information concerning the File and/or Hearing, Please Call 887-3391. 10/126 Oct. 13.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,	Uct. 14, 1999
THIS IS TO CERTIFY, that the a	annexed advertisement was
published in THE JEFFERSONIAN, a w	veekly newspaper published

in Towson, Baltimore County, Md., once in each of ... weeks, the first publication appearing on

THE JEFFERSONIAN.



Ball more king. Zoning Administration & Devolopment Management 111 West Chesopeake Avenue Townson, Maryland 21201



Account: R-001-6150

9'5-120-A

Number ( Number /2/

KUTER. JOPPA PD,

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TOTAL # 285 00

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Please Make Checks Payable To: Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204



(410) 887-3353

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

λJ:ggs

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, Will come from and should be remitted directly to the newspaper.

  NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

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For newspaper advertising:	
Item No.: /2/	,
Petitioner: GERALZ C, RUTER	
Location: 3701 E. OOPPA ROAD.	21286
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: SANE	
ADDRESS:	·
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PHONE NUMBER: 321-9500	
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### Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

OCTOBER 7, 1994

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-120-A (Item 121)

3210 Joppa Road

S/S Joppa Road, 55'+/- from c/l Fuller Avenue 11th Election District - 6th Councilmanic

Petitioner(s): Gerald C. Ruter

HEARING: WEDNESDAY, NOVEMBER 2, 1994 at 11:00 a.m. in Room 106, County Office Building.

Variance to allow a double-faced, free-standing sign of 10 square feet in lieu of the required 1 square foot.

Arnold Jablon Director

cc: Gerald C. Ruter, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

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111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Gerald C. Ruter, Esq. 604 E. Joppa Road Baltimore, Maryland 21286

OCT. 63 / 1904

RE: Case No. 95-120A, Item No. 121

Dear Mr. Ruter:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petitlon, which was accepted for filing on September 29, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following is related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office:

- The director of the Office of Zoning Administration and Development Management has instituted a system whereby zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions' filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.
- Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
- Those individuals who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Carl Richards, Jr.

Zoning Supervisor

WCR/jnw Enclosure(s)



The will make

### DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

### INTER-OFFICE CORRESPONDENCE

TO:

ZADM

DATE:

10/18/94

FROM:

**DEPRM** 

Development Coordination

SUBJECT:

Zoning Advisory Committee

Agenda:

10/11/94

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

114

114

118

119

123

124

LS:sp

LETTY2/DEPRM/TXTSBP

THE PROPERTY

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 17, 1994 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief Developers Engineering Section

RE: Zoning Advisory Committee Meeting for October 17, 1994
Item No. 121

The Developers Engineering Section has reviewed the subject zoning item. The proposed sign shall be located so as not to obstruct the line of sight.

RWB:6W

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: October 11, 1994

Zoning Administration and Development Management

FROM: Pat Keller, Director

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has, no comments on the following petition(s):

Item Nos. 113, 116, 119, 120 and 121.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prenared by:

Division Chief:

PK/JL:lw

William Control of the Control

### Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 10/10/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1108

RE: Property Owner:

LOCATION: DISTRIBUTION MEETING OF 10/11/94

ltem No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 113, 114, 116, 117,119, 120, (121, 122 AND 123.

DECEIVED OCT 11 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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## Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

10-7-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.: 4 121 (RT)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Beliffmall:

David Ramsey, Acting Chief Engineering Access Permits

Division

BS/

13 Jan 1982 C

90T. O 7 1994

My telephone number is \_\_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free RE: PETITION FOR VARIANCE \*
3201 E. Joppa Road, S/S Joppa Road,
55' +/- from c/l Fuller Avenue, \*
11th Election Dist., 6th Councilmanic

Gerald C. Ruter Petitioner BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 95-120-A

. \* \* \* \* \* \* \* \* \*

### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Max Timmerman

role S. Demilio

eter Max Tenneman

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of October, 1994, a copy of the foregoing Entry of Appearance was mailed Gerald C. Ruter, Esquire, 604 E. Joppa Road, Baltimore, MD 21286, Petitioner.

PETER MAX ZIMMERMAN

1012/191

Gerald C. Ruter

3201 E. JOPPA ROAD BALTIMORE, MARYLAND 21234 (410) 665-9500 FAX. (410) 665-6703 ALSO MEMBER OF D.C. BAR

October 24, 1994

Lawrence Schmidt
Commissioner
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case Number 95-120-A (Item 121)

3201 Joppa Road

S/S Joppa Road, 55'"/-from Fuller Avenue 11th Election District - 6th Councilmanic

Petitioner: Gerald C. Ruter

Hearing: Wednesday, November 2, 1994 at 11:00 in

Room 106, County Office Building

Dear Mr. Schmidt:

The above scheduled hearing is set for Wednesday, November 2, 1994, at 11:00 a.m. I am currently scheduled to appear in the Baltimore County District Court in Catonsville at 9:00 a.m., and therefore request that the time of the hearing be moved to 12:00.

I have spoken with Gwen, the docket clerk, and she informs me that as of today's date the next scheduled hearing is at 2:00 p.m., and that there are no other interested parties that would require notice.

I appreciate your consideration.

Sincerely,

GERALD C. RUTER

GCR: dar

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And San San San

82 0:00 Hy

PLEASE PRINT CLEARLY

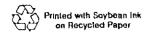
### PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS					
TERI L. HRABERG	3142-A E. JOPPA ROAD					
TERIL. HABBERG KARL M. MATEWSKI	3142-A E. JOPPA ROAD					

### PLEASE PRINT CLEARLY

### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
GERAYO RUTER	MAILT 3 1066
The state of the s	





The Baltimore County Zoning Board

	му	name i	s <i>Rosall</i>	s H.	BRYNER		, and I
live	at	3203	JORDA	Rs.		Baltimore,	Maryland.

It is my understanding that Gerald Ruter is considering the purchase of 3201 E. Joppa Road, and is asking the Baltimore County Zoning Board to:

- use part of the house for carrying on the private practice of law;
- b) use more than 25% of the floor space for the practice of law; and,
- place a sign noting his law practice, the sign of which is approximately 36" by 32".

It is my hope that the Zoning Board will act favorably upon all of Mr. Ruter's requests.

NAME W. Buper



The Baltimore County Zoning Board To:

	Му	name is		Ames	Umerley		, and I
live	at	3126	٤	Joppe	Road	, Baltimore,	Maryland

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NAME

DATE

# PETTONER'S EXHIBIT 33.

The Baltimore County Zoning Board To:

му	name	is flure	26	Weichert h		, and I
		EKST 50			Baltimore,	Maryland.

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WAME

WAY

DATE



To: The Baltimore County Zoning Board

	Мy	name is	_)	ulie	Hille	n/00/9-		, and I
live	at	312-8	S	20	V) (1) (1)	J.	Baltimore,	Marvland.
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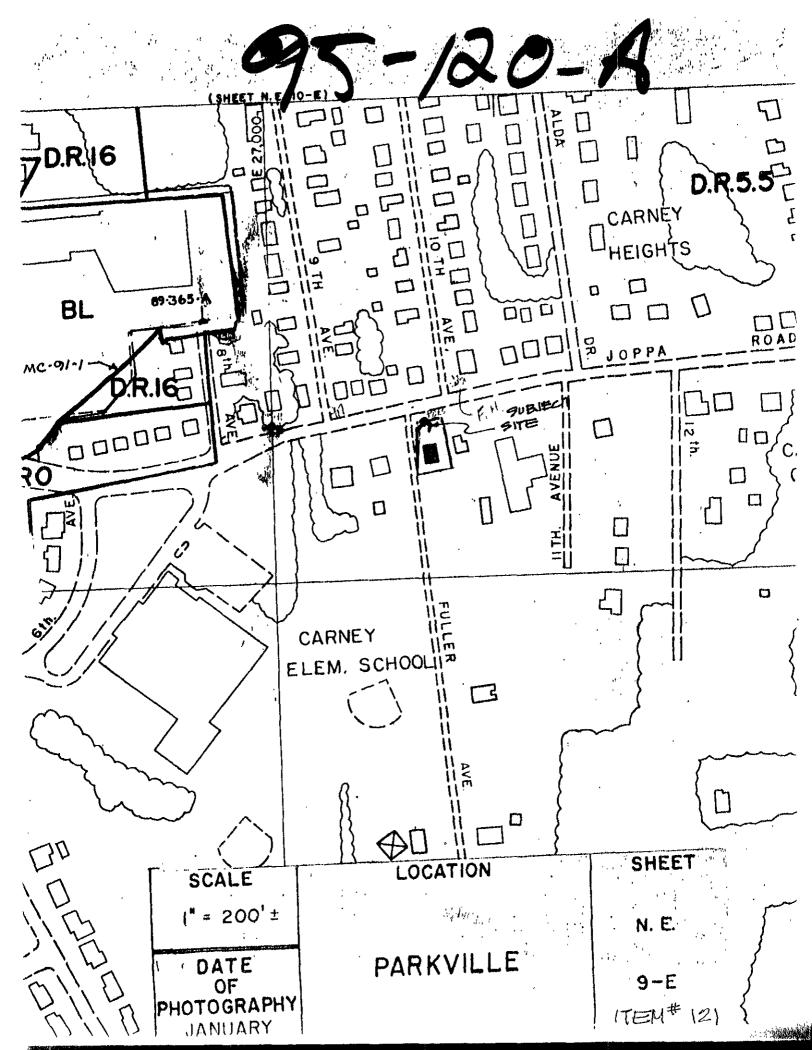
NAME

4.10.94

DATE

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EXHIBIT SA



# Petitioner's exhibit 1 95-120-A



